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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 THE HISTORY DEPARTMENT & CO.,

10 Plaintiff,

11 v.

12 JESSE MERTZ, et al.,

13 Defendants.

Case No. C20-5608-RSL

ORDER REGARDING
MOTION FOR DEFAULT
JUDGMENT

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15 This matter comes before the Court on plaintiff's motion for default judgment (Dkt.
16 # 17). Plaintiff filed this action to obtain relief for alleged breach of contract and violation of the
17 Washington State Consumer Protection Act ("WCPA"). Although defendants were served with
18 the summons and complaint on November 18, 2020, Dkt. # 13, they have not responded. Default
19 was entered against them on March 5, 2021. Dkt. # 16.

20 Upon entry of default, the well-pleaded allegations of the complaint relating to
21 defendant's liability are taken as true. See Fair Housing of Marin v. Combs, 285 F.3d 899, 906
22 (9th Cir. 2002). The defaulting party is deemed to have admitted all allegations in the complaint
23 pertaining to liability, but not allegations as to the amount of damages. See TeleVideo Sys., Inc.
24 v. Heidenthal, 826 F.2d 915, 917–18 (9th Cir. 1987). "[N]ecessary facts not contained in the
25 pleadings, and claims which are legally insufficient, are not established by default." Cripps v.
26 Life Ins. Co., 980 F.2d 1261, 1267 (9th Cir. 1992). In order to satisfy itself that the relief
27 requested is warranted, the Court has the power to require additional proof of facts, damages, or
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1 “any other matter.” Fed. R. Civ. P. 55(b)(2). And in this district, plaintiff “must support a
2 motion for default judgment with a declaration and other evidence establishing plaintiff’s
3 entitlement to a sum certain and to any nonmonetary relief sought.” LCR 55(b)(2).

4 Having reviewed the allegations of the complaint and the memorandum, declaration, and
5 plaintiff’s proposed order, the Court finds that additional proof is necessary of the basis for the
6 proposed reasonable attorney’s fees and punitive damages associated with the WCPA violation.
7 With respect to the \$2,000 in attorney’s fees, all plaintiff has offered is that this amount
8 represents five hours of work, but plaintiff has not explained what tasks were performed. As for
9 the \$10,000 in punitive damages, plaintiff has offered little in the way of specific allegations for
10 the Court to evaluate the reasonableness of plaintiff’s proposed punitive damages. See State
11 Farm Mut. Auto. Ins. Co. v. Campbell, 538 U.S. 408, 418–19 (2003) (discussing the factors
12 courts must consider in reviewing punitive damages, including, e.g., “the degree of
13 reprehensibility of the defendant’s misconduct”). Plaintiff has not sufficiently explained these
14 sums to the Court’s satisfaction.

15 Plaintiff shall, within 14 days of the date of this Order, submit additional proof to support
16 the requested \$2,000 in reasonable attorney’s fees and the \$10,000 in punitive damages. The
17 Clerk of Court is directed to note a motion for default judgment (Dkt. # 17) on the Court’s
18 calendar for Monday, March 29, 2021.

19 DATED this 15th day of March, 2021.

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22 Robert S. Lasnik
23 United States District Judge
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